

EXHIBIT 10

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14 Attorneys for Defendant
 15 Facebook, Inc.

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 17 COUNTY OF SAN MATEO

18 SIX4THREE, LLC, a Delaware limited liability
 19 company,

20 Plaintiff,

21 v.

22 FACEBOOK, INC., a Delaware corporation;
 23 MARK ZUCKERBERG, an individual;
 24 CHRISTOPHER COX, an individual;
 25 JAVIER OLIVAN, an individual;
 26 SAMUEL LESSIN, an individual;
 27 MICHAEL VERNAL, an individual;
 28 ILYA SUKHAR, an individual; and
 DOES 1-50, inclusive,

Defendants.

FILED
SAN MATEO COUNTY

MAY 31 2018

Clerk of the Superior Court

By

DEPUTY CLERK

Case No. CIV 533328

Assigned for all purposes to Hon. V. Raymond
 Swope, Dept. 23

**DECLARATION OF LAURA E. MILLER IN
 SUPPORT OF DEFENDANT FACEBOOK,
 INC.'S MOTION TO SEAL**

Date: July 2, 2018
 Time: 9:00 a.m.
 Dept: 23 (Complex Civil Litigation)
 Judge: Honorable V. Raymond Swope

FILING DATE: April 10, 2015
 TRIAL DATE: April 25, 2019

CIV533328
 DIS
 Declaration: in Support
 1181969



1 I, Laura E. Miller, declare as follows:

2 1. I am a lawyer with the law firm Durie Tangri LLP, counsel of record for Defendant
3 Facebook, Inc. ("Facebook") in the above-captioned matter. I provide this declaration in support of
4 Facebook's Motion to Seal. I declare that the following statements are true to the best of my knowledge,
5 information, and belief, formed after a reasonable inquiry under the circumstances. If called upon to
6 testify, I could and would competently testify thereto.

7 2. On May 3, 2018, Facebook moved to seal documents lodged by Six4Three. Six4Three
8 opposed that motion on May 17, 2018.

9 3. Exhibits A-C of the Godkin Declaration in Support of Six4Three's Opposition to Motion
10 to Seal ("Godkin Sealing Declaration") are Facebook documents designated HIGHLY CONFIDENTIAL
11 or CONFIDENTIAL and they contain detailed internal communications about Facebook's business
12 decisions. Release of this information would harm Facebook's business and business relationships.

13 4. Exhibit E to the Godkin Declaration In Support of Opposition to Defendants' Demurrers
14 ("Godkin Demurrer Declaration") is a Facebook document designated HIGHLY CONFIDENTIAL that
15 contains detailed internal conversations about Facebook's business and business model. The disclosure
16 of this information would be damaging to Facebook's business and business reputation, and so Facebook
17 requests that the Court seal these documents. The redacted portions of Six4Three's Opposition to the
18 Ancillary Defendants' Demurrer quote Exhibit E.

19 5. Exhibits 1-5, 11-13, 15, 16-21, 23, 25-26, 29-83, 101, 104, 106-31, 133-38, 140-44, 150-
20 52, 155-60, 162-75, 177-78, 182-92, 194-200, 202-05, 207-12 to the Godkin Declaration in Support of
21 Six4Three's Opposition to Anti-SLAPP Motion ("Godkin Anti-SLAPP Declaration") are HIGHLY
22 CONFIDENTIAL or CONFIDENTIAL documents or deposition transcripts containing internal
23 Facebook communications about business decisions, financial information, business goals, potential
24 acquisitions, and business partnerships, and testimony regarding the same. The disclosure of this
25 information would hurt Facebook's business and reputation.

26 6. Exhibits 14, 22, 24, 84, 85, 86, 87, 88, 89-100, 101-02, 105, 139, 146-39, 153, 154, 161,
27 176, 193, 201 to the Godkin Anti-SLAPP Declaration are HIGHLY CONFIDENTIAL or
28 CONFIDENTIAL documents containing confidential business communications with third parties that

Facebook was considering partnering with; internal Facebook discussions about those third parties; discussions of potential acquisitions; sensitive identifying information about those third parties; and even contracts with third parties. The disclosure of these documents would hurt Facebook's business and relationships with the third parties and could injure the businesses, reputations, and relationships of third parties that are not involved with this case.

7. Facebook's May 30, 2018 *Ex Parte* Application to Strike the Declaration of David S. Godkin contains confidential excerpts from several paragraph (*i.e.*, ¶¶ 2, 148, 149, 153, 154) and exhibits (*i.e.*, 1, 147, 148, 153, and 154) from Mr. Godkin's Declaration. These excerpts should be sealed for the reasons discussed in the foregoing paragraphs.

8. Six4Three's "Supplemental Memo" is Six4Three's Supplemental Memorandum in Support of its Motion for Leave to File Third Amended Complaint. This document contains extensive description and quotation of CONFIDENTIAL Facebook documents. Six4Three previously lodged this document under seal on August 18, 2017, as Exhibit B to the Godkin Declaration in Support of Six4Three's Opposition to Facebook's Motion for Summary Adjudication. Facebook moved to seal this document on August 30, 2017. Six4Three did not oppose the motion, and the motion was heard and granted by the Court on September 11, 2017, as documented on the record at page 62 of the transcript of that day's hearing. In Case Management Order No. 11, Court granted Facebook's motion for summary adjudication and also ruled that the Supplemental Memorandum was "not admissible evidence" in the resolution of the summary adjudication motion.

9. Even though Six4Three had not opposed Facebook's motion to seal the Supplemental Memo, Six4Three later lodged that document again in connection with a different motion **and moved to unseal it**. Six4Three lodged the Supplemental Memo again on December 12, 2017, as Exhibit H to the Godkin Declaration in Support of Six4Three's Opposition to Facebook's Special Motion to Strike (Anti-SLAPP), and Facebook moved to seal it on December 20, 2017. On December 27, 2017, two days after Christmas, Six4Three filed a motion to unseal the Supplemental Memo. The Court heard argument on Facebook's motion to seal and Six4Three's motion to unseal on January 9, 2018. The Court granted Facebook's motion and denied Six4Three's motion in its January 9, 2018 Order on Sealing Motions, leaving the Supplemental Memo under seal.

1 10. Exhibits 208 and 213 to the Godkin Declaration in Support of Six4Three's Request for
2 Judicial Notice reference, describe, and quote materials designated by Facebook as CONFIDENTIAL.
3 They also include quotations and descriptions of deposition transcripts designated by Facebook as
4 CONFIDENTIAL. The redacted portions of Exhibits 208 and 213 describe internal Facebook business
5 decisions and communications about such decisions and business strategy, and the release of such
6 communications would harm Facebook's business and reputation.

7 11. Facebook has narrowly tailored its request to seal only those documents for which the
8 harm to Facebook and third parties of disclosure would outweigh the public's interest in free access to
9 information about court proceedings.

10 I declare under the penalty of perjury that the foregoing is true and correct. Executed this 30th
11 day of May, 2018, in San Francisco, California.

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